Certificat of Mailing

I he below certify that this correspondence is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: M.S. IDS – NO FEE, Commissioner for Patents, P.O. Box 1450. Alexandria, VA 22313-1450 on November 18, 2003.

Kurt A. Summe, Reg. No. 36,023

Date

PATENT

ATTY. DOCKET NO: MELV-02CT/119

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant:

David Boyd Melvin

Art Unit:

3738

Serial No.

10/618,986

Examiner:

-070

Filed:

July 14, 2003

Conf. No.:

5972

Title:

HEART WALL ACTUATION DEVICE

FOR THE NATURAL HEART

Cincinnati, Ohio

November 18, 2003

M.S. IDS – NO FEE Commissioner for Patents P.O. Box 1450 Alexandria, VA 22313-1450

INFORMATION DISCLOSURE STATEMENT

In accordance with the duty of candor and good faith imposed by 37 C.F.R. §1.56 and means of complying therewith according to 37 C.F.R. §\$1.97 and 1.98, the references listed on the attached Form PTO-1449 are called to the attention of the Examiner in connection with the above-identified patent application. Copies of the cited references have already been supplied in connection with U.S. Patent 6,592,619. The present application is a Continuation of U.S. Patent 6,592,619 and claims the benefit thereof under 35 U.S.C. § 120. Therefore, under 37 C.F.R. § 1.98(d) copies of the cited references need not be provided herewith. If additional copies of these references are desired, please contact the undersigned and they will be forwarded immediately.

The Examiner is urged to consider the cited references and to make an independent decision with respect to their materiality.

Applicant does not believe that any fees are due in connection with this submission. However, if such petition is due or any fees are necessary, the Commissioner may consider this to be a request for such and charge any necessary fees to Deposit Account 23-3000.

Respectfully submitted,

WOOD, HERRON & EVANS, L.L.P.

Kurt A. Summe

Reg. No. 36,023

2700 Carew Tower Cincinnati OH 45202 (513) 241-2324 Voice (513) 421-7269 Facsimile SUBSTITUTE FORM PTO-1449

MODIFIED)

INFO

STA

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. MELV/02CT

SERIAL NO. 10/618,986

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

APPLICANT David Boyd Melvin

David Boyd Meivin

FILING DATE July 14, 2003 GROUP 3738

(37 CFR 1.98(b)

U.S. PATENT DOCUMENTS

ERCHAN									U.S. F	PATENT DOCUMENTS			
EXAMINER INITIAL			PA	TEN	NT N	IUM	BE	₹	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	A.A	2	8	2	6	1	9	3	3/1958	Vineberg			
	A.B	3	0	5	3	2	4	9	9/1962	Smith			
	A.C	3	3 4 5 5 2 9						7/1969	Anstadt			
	A.D	A.D 3 5 1 3 8 3						6	5/1970	Sausse			
	A.E	3 5 9 0 8 1					1	5	7/1971	Schiff			
	A.F	3 6 1 3 6 7				7	2	10/1971	Schiff				
	A.G	3	6	6	8	7	0	8	6/1972	Tindal			
	A.H	3	7	1	3	4	3	9	1/1973	Cabezudo			
	A.I	3	7	9	1	3	8	8	2/1974	Hunter et al.			
	A.J	3	8	2	7	4	2	6	8/1974	Page et al.			
	A.K	3	9	8	3	8	6	3	10/1976	Janke et al.			
					FC	RE	IGN	PAT	ENTS OR PU	BLISHED FOREIGN PATENT A	APPLICATION	IS	
			DC	CH	NAE1	UT.		Ь	LIBLICATION	COUNTRY OR			TRANSLATION

·	DOCUMENT NUMBER	PUBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
A.L	EP 0,583,012	2/1988	EPO			
A.M	EP 119,357	9/1984	EPO			
A.N	SU 1191-076-A	11/1985	Soviet Union			
A.O	WO 00/O6026	2/2000	PCT			
A.P	WO 00/47270	08/17/O0	PCT			
A.Q	WO 00/O627	2/2000	PCT			

OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication)

A.R	Melvin, D.V.; Conkle, D.; Roberts, A; Stinson, E.;, "Cardiac Performance and Myocardial Contractility After Experimental Mechanical Ventricular Assistance", J. Thoracic and Cardiovascular Surgery Vol. 65, No. 6, June 1973.
A.S	Melvin, D.B., "Cardiovascular Surgery: Myocardial Preservation, Cardiorespiratory Support I,", American Heart Assoc. Abstract, Circulation Part II, Vol. 68, No. 4; Scientific Sessions for Nurses; 37th Ann. Meeting; Nov. 14-17, 1983.
A.T	Melvin, D.; Schima, H.; Losert, U.; Wolner, E., "Long-Term Ventricular Wall Actuation: Can and Should it be Systematically Explored?" Artificial Organs, Vol. 20, No. 1, 1996.

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance <u>and</u> not considered. Include a copy of this form with next communication to applicant.

Sheet 2 (B) of 8

SERIAL NO.
10/618,986

SUBSTITUTE FORM PTO-1449 (MODIFIED)

U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE

ATTY. DOCKET NO. MELV/02CT

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(Use several sheets if necessary)

NOV 2 0 2003

APPLICANT David Boyd Melvin

FILING DATE July 14, 2003

GROUP 3738

(37 CFR 1.98(b))

U.S. PARENT DOCUMENTS

EXAMINER INITIAL			PA ⁻	TEN	JT N	IUM	BEF	₹	ISSUE DATE	PATENTEE	CLASS	SUBCLASS	FILING DATE
	B.A	4	1	9	2	2	9	3	3/1980	Asrican			
	B.B	4	5	3	6	8	9	3	8/1985	Parravicini			
	B.C	4	6	2	1	6	1	7	11/1986	Sharma			
	B.D	4	6	9	0	1	3	4	9/1987	Snyders			-
, , <u>, , , , , , , , , , , , , , , , , </u>	B.E	4	8	0	9	6	7	6	3/1989	Freeman			
	B.F	4	8	4	6	8 3 1 7/1989				Skillin			
	B.G	4	9	0	4	2	5	5	2/1990	Chareire et al.			
	В.Н	4	9	3	6	8	5	7	6/1990	Kulik			
	B.I	4	9	5	7	4	7	7	9/1990	Lundback			
	B.J	5	1	0	9	8	4	3	5/1992	Melvin et al.			
	B.K	5	1	1	9	8	0	4	6/1992	Anstadt			
					FC	RE	IGN	PAT	ENTS OR PU	BLISHED FOREIGN PATENT	APPLICATION	NS	
		DOCUMENT NUMBER						P	UBLICATION DATE	COUNTRY OR PATENT OFFICE	CLASS	SUBCLASS	TRANSLATION (YES/NO)
	B.L	wc	00	/06	028		1	2/2	000	РСТ			
	B.M	wc	00	/167	700			3/2	000	РСТ			
	B.N	wc	00	/02	500			1/2	000	PCT			
	B.O	wc	01	/958	332			12/	20/O1	РСТ			
	В.Р	wc	01	/958	331			12/	20/O1	РСТ			
	B.Q	wc	01	/850	061			11/	15/O1	РСТ			
					_0	THE	ER [ocu	JMENTS (Incl	uding Author, Title, Date, Place	of Publication	1)	
	B.R	Me Arti	lvin, ificia	D.E Il Oi	3., e rgar	t al. is, V	, <u>"A</u> ′ol. :	Phys 20, N	ical Analog of o. 3, 1996.	the Failing Left Ventricle for In	Vitro Studies	of Mechanical Wa	all Actuation",
	B.S	Me (Ab	lvin, stra	D.E	3. et Vol	al.,	<u>"Re</u> No	ducti	on of Ventricu 3. 166, March	lar Wall Tensile Stress by Geo 17, 1999.	metric Remod	eling Device", AS	AIO Journal
	В.Т	Melvin, D.B. et al., "Reduction of Ventricular Wall Tensile Stress by Geometric Remodeling Device", ASAIO Annual Meeti (Poster), June 1999.											

EXAMINER

DATE CONSIDERED

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance <u>and</u> not considered. Include a copy of this form with next communication to applicant.

SUBSTITUTE (MODIFIED)	FORM P	TO-	144	9				U. P.	S. DEPARTM ATENT AND T	ENT OF COMMERCE RADENAPRICOFFICE	ATTY. MELV	DOCKET NO /02CT) .	SERIAL NO. 10/618,986	
								ISCL	OSURE /	SCIA.	APPLI David	CANT Boyd Melvin			
			(Use	e se	vera	al sh	eet	s if ne	ecessary)	NON 5 0 5003		DATE		GROU 3738	P
(37 CFR 1.98(b))				_		_			ATENT DOOMENTS	July 14	4, 2003		3/36	
EXAMINER	Ι	T							ISSUE	V VOIAN BHY DONE 1410		T	<u> </u>		FILING DATE
INITIAL			PA	TEN	IT N	IUM	BEF	₹	DATE	PATENTEE		CLASS	SUBC	LASS	IF APPROPRIATE
	C.A	5	1	3	1	9	0	5	7/1992	Grooters					
	C.B	5	1	3	9	5	1	7	8/1992	Corral				<u> </u>	ļ
	C.C	5	1	6	9	3	8	1	12/1992	Snyders			ļ		
	C.D	5	1	9	2	3	1	4	3/1993	Daskalakis			ļ. <u>.</u>		
	C.E	5	2	0	1	8	8	0	4/1993	Wright et al.					<u></u>
	C.F	5	2	5	6	1	3	2	10/1993	Snyders					
	C.G	5	2	5	8	0	2	1	11/1993	Duran					
	С.Н	5	3	3	4	2	1	7	8/1994	Das					
	C.I	5	3	4	5	9	4	9	9/1994	Shlain					
	C.J	5	3	5	8	5	1	9	10/1994	Grandjean					_
	C.K	5	3	7	0	6	8	5	12/1994	Stevens					
					FC	RE	IGN	PAT	ENTS OR PU	BLISHED FOREIGN PA	TENT A	PPLICATION	s	•	
					MEN BEF			P	UBLICATION DATE	COUNTRY OF PATENT OFFICE		CLASS	SUBCL	ASS	TRANSLATION (YES/NO)
	C.L	wc	01	/958	330			12/	20/O1	PCT		V			
	C.M	wc	01	/284	155			4/2	001	PCT					
	C.N	wc	98	/290)41			7/1	998	PCT					
	C.O	WC	99	/306	347			6/1	999	PCT					
	C.P	wc	99	/539	977			10/	99	PCT					
	C.Q														
					0	тне	ER	ooci	JMENTS (Inclu	iding Author, Title, Date	, Place	of Publication)		
	C.R	(Ac	сер	ted	3. , <u>"</u> for p	oubl	<u>/ice-</u> icati	Induc on), I	ced Ventricular Presented at th	Geometric Remodeling ne 3rd Symposium of the	a: Apprai e Soc. o	isal of Critical f Cardiac Vol	Issues", ume Redi	J. of Car uction, A	rdiac Surgery April 9, 2000 in
	C.S	U.S 200		aten	t Ap	plic	atio	n Put	olication No. 20	001/O016675, Mortier e	t al.; <u>Stre</u>	ess Reduction	Apparat	us and N	Method, August 23,
	C.T							n Put 9, 20		001/O047122, Vanden H	loek et a	al.; <u>Delivery o</u>	f Cardiac	Constra	int Jacket,
EXAMINER										DATE CONS	IDERED				
EXAMINER: In	nitial if cit	ation	n co	nsic	lere	d, w	heth	ner or	not in conform	nance. Draw line throug	gh citatio	n only if not i	n conform	nance <u>ar</u>	nd not considered.

							-		0.0504071			DOCKET N			et 4 (D) of 8
SUBSTITUT (MODIFIED)		РΤО	-144	19						TENT OF COMMERCE	MELV	DOCKET N 02CT	Ο.	SERIA 10/618	
								ISCL	OSURE LICANT	र्टरका	APPLI David	CANT Boyd Melvin			
(37 CFR 1.9	8(b))		(Us	e se	ever	al sl	heet	s if n	ecessary	10A S 0 5003	July 14	DATE 1, 2003	_	GROUP 3738	
									U.S.	TENT CO CUMENTS					
EXAMINER INITIAL			PA	TEN	1 TV	NUM	1BEI	۹	ISSUE DATE PATENTEE						FILING DATE IF APPROPRIATE
	D.A	5	3	8	3	8	4	0	1/1995	Heilman et al.					
	D.B	5	3	8	5	5	2	8	1/1995	Wilk					
	D.C	5	4	8	4	3	9	1	1/1996	Buckman, Jr. et al.					
	D.D	5	4	8	7	7	6	0	1/1996	Villafana					
	D.E	5	5	3	3	9	5	8	7/1996	Wilk					
	D.F	5	5	7	1 1 7 6 11/1996 Taheri										
	D.G	5	5	5 8 1 1 7 6 12/1996 Lee						Lee					
	D.H	5	5 5 9 3 4 2					4	1/1997	Northrup, III					
	D.I	5	6	5	5	5	4	8	8/1997	Nelson et al.					
	D.J	5	7	0	2	3	4	3	12/1997	Alferness					
	D.K	5	7	0	9	6	9	5	1/1998	Northrup, III					
					FC	RE	IGN	PAT	ENTS OR PU	BLISHED FOREIGN PA	TENT A	PPLICATION	IS		
				CUI				P	UBLICATION DATE	COUNTRY OF PATENT OFFICE		CLASS	SUBCL	ASS	TRANSLATION (YES/NO)
3	D.L														
	D.M														
	D.N														
	D.O											<u>-</u>			
	D.P														
	D.Q														
					С	THI	ER (ocu	JMENTS (Incl	uding Author, Title, Date	, Place o	of Publication)		
	D.R														
	D.S														

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance and not considered. Include a copy of this form with next communication to applicant.

DATE CONSIDERED

D.T

EXAMINER

Sheet 5 (E) of 8 U.S. DEPARTMENT OF COMMERCE PATENT AND TRADEMARK OFFICE **SUBSTITUTE FORM PTO-1449** ATTY, DOCKET NO. SERIAL NO. MELV/02CT 10/618,986 (MODIFIED) INFORMATION DISCLOSURE **APPLICANT** STATEMENT BY APPLICANT David Boyd Melvin NOV 2 0 2003 **GROUP** (Use several sheets if necessary) **FILING DATE** (37 CFR 1.98(b)) July 14, 2003 3738 U.S. PATENT DOCUMENTS ISSUE FILING DATE **EXAMINER** IF APPROPRIATE PATENT NUMBER CLASS **SUBCLASS PATENTEE** INITIAL DATE 3 9 5 4 2/1998 E.A Rosenberg et al. 5 7 3 8 6 2 6 4/1998 E.B Jarvik 5 3 8 2 4/1998 E.C 6 Kovacs et al. E.D 5 7 4 9 8 8 3 5/1998 Halpern 5 8 0 0 5 2 8 9/1998 Lederman et al. E.E 5 2 4 0 7 10/1998 Nelson et al. E.F 8 1 E.G 5 9 1 0 1 2 4 6/1999 Rubin E.H 5 9 5 7 9 7 7 9/1999 Melvin 5 6 4 4 0 10/1999 Schweich, Jr. et al. E.I 9 1 6 0 1 9 7 2 2 2/2000 Spence et al. E.J 4 5 4/2000 Schweich, Jr. et al. E.K 6 0 4 9 FOREIGN PATENTS OR PUBLISHED FOREIGN PATENT APPLICATIONS TRANSLATION DOCUMENT **PUBLICATION COUNTRY OR** NUMBER DATE PATENT OFFICE **CLASS** SUBCLASS (YES/NO) E.L E.M E.N E.O E.P E.Q OTHER DOCUMENTS (Including Author, Title, Date, Place of Publication) E.R E.S

EXAMINER: Initial if citation considered, whether or not in conformance. Draw line through citation only if not in conformance <u>and</u> not considered. Include a copy of this form with next communication to applicant.

DATE CONSIDERED

E.T

EXAMINER

Sheet 6 (F) of 8

SUBSTITUTE (MODIFIED)	FORM P	TO-	144	9				U. Pa	S. DEPARTM ATENT AND J	GOMMERCE IARK OFFICE	ATTY. DOCKET NO. MELV/02CT			SERIAL NO. 10/618,986				
									OSURE /	NOV 2	0 2003	APPLI David	CANT Boyd Melvin					
/27 OFD 4 09	(h.))		(Use	e se	evera	al st	eet	s if ne	ecessary)	Š.			3 DATE 4, 2003		GROU 3738	P		
(37 CFR 1.98	((0))								IIS F	PATENT	DOCUMENTS	July 1	+, 2003		3730			
EXAMINER		T							ISSUE	AILIN	DOCOMENTO		T			FILING DATE		
INITIAL			PA	TEN	NT N	IUM	BEF	<u>۲</u>	DATE		PATENTEE		CLASS	SUBC	LASS	IF APPROPRIATE		
	F.A	6	0	5	0	9	3	6	4/2000	Schwe	ich, Jr. et al.			ļ 				
	F.B	6	0	5	9	7	1	5	5/2000	Schwe	ich, Jr. et al.		<u> </u>					
	F.C	6 0 7 7 2 1 4 6/2000 Mor									Mortier et al.							
	F.D	6 0 8 5 7 5 4 6/2000 A									Alferness et al.							
	F.E	6	1	1	0	1	0	0	8/2000	Talpad	e							
	F.F	6	1	2	3	6	6	2	9/2000	Alferne	ess et al.							
	F.G	6	1	2	5	8	5	2	10/O3/O0	Steven	s et al.							
	F.H	6	1	6	2	1	6	8	12/2000	Schwei	ich, Jr. et al.							
	F.I	6	1	6	5	1	1	9	12/2000	Schwe	ich, Jr. et al.							
	F.J	6	1	6	5	1	2	0	12/2000	Schwe	ich, Jr. et al.							
	F.K	6	1	7	9	7	9	1	1/2001	Kruege	er							
					FC	RE	IGN	TENT A	PPLICATION	s								
					MEN BEF			PI	JBLICATION DATE	1	COUNTRY OF		CLASS	SUBCL	ASS	TRANSLATION (YES/NO)		
	F.L										1 - 10 - 101							
	F.M																	
	F.N																	
	F.O			-														
	F.P																	
	F.Q				_													
					0	THE	ER D	ocu	JMENTS (Inclu	ıding Au	thor, Title, Date	, Place	of Publication)				
	F.R								-	-			"					
	F.S																	
	F.T																	
EXAMINER											DATE CONS	IDERED						
EXAMINER: Include a copy	nitial if cita	ation	co.	nsic	derec	d, w	heth	ner or	not in conform to applicant.	nance. [Oraw line throug	jh citatio	n only if not in	conform	ance <u>an</u>	d not considered.		
													S	ubstitute	Disclosu	re Form (PTO-1449)		

Sheet 7 (G) of 8

SUBSTITUTE (MODIFIED)	FORM P	TO-	144	9				U. P.	S. DEPARTM ATENT AND 1	COMMERCE IARK OPFICE	ATTY. MELV/	DOCKET NO 02CT	Э.	SERIAL NO. 10/618,986			
									OSURE (NON 5 G	2003	APPLIO David I	CANT Boyd Melvin				
(37 CFR 1.98	(b))		(Us	e se	evera	al st	neet	s if ne	ecessary)	yra roa	DEAL CHOCK		FILING DATE GROUP July 14, 2003 3738				
										C 1112	DOCUMENTS						
EXAMINER INITIAL			PA	TEN	NT N	IUM	BEI	₹	ISSUE DATE		PATENTEE		CLASS	SUBC	FILING DATE IF APPROPRIATE		
	G.A	6	1	8	3	4	1	1	2/2001	Mortier	et al.						
	G.B	6	2	6	1	2	2	2	7/2001	Schwe	ich, Jr. et al.						
H-C	G.C										et al.		·				
	G.D	6	2	6	0	5	5	2	7/2001	Mortier	et al.						
- 170	G.E	6	2	9	3	9	0	6	9/2001	Vande	n Hoek et al.						
	G.F	6	2	9	3	9	0	6	09/25/O1	Vande	n Hoek et al.						
	G.G	6	3	1	9	2	3	1	11/20/01	Andruli	tis						
	G.H	6	3	2	4	4	3	0	11/27/01	Zarinet	chi et al.						
	G.I	 									chi et al.			***			
	G.J	6	3	3	2	8	6	3	12/25/01	Schwe	ich, Jr. et al.						
	G.K	6	3	3	2	8	6	4	12/25/01	Schwe	ich, Jr. et al.						
,					FC	RE	IGN	PAT	ENTS OR PUI	BLISHE	FOREIGN PA	TENT AF	PPLICATION	s			
					MEN BEF			Pi	JBLICATION DATE	1	COUNTRY OF		CLASS	SUBCL	ASS	TRANSLATION (YES/NO)	
	G.L																
	G.M																
	G.N																
	G.O																
	G.P																
	G.Q																
					0	THE	ER [ocu	JMENTS (Inclu	ıding Au	thor, Title, Date	, Place o	f Publication)			
	G.R																
	G.S																
	G.T																
EXAMINER											DATE CONS	IDERED					
EXAMINER: In Include a copy										nance. [Draw line throug	h citation	only if not in	conform	ance <u>an</u>	d not considered.	

Sheet 8 (H) of 8

SUBSTITUTE (MODIFIED)	144	9				U. Pa	S. DEPARTM ATENT AND	TRADEMARK OFFICE	MARKOFFICE MELV/02CT SERIA 10/61					RIAL NO. 618,986			
									OSURE /	NOV 2 0 2003		APPLICANT David Boyd Melvin					
			(Use	e se	vera	al sh	eet	s if ne	ecessary)	THE STATE OF THE S		FILING			GROU 3738	P	
(37 CFR 1.98	(b))										_	July 14	, 2003		3/30		
		T								PATENT DOCUMENTS			-	1		FILING DATE	
EXAMINER INITIAL	ļ		PA	TEN	IT N	UМ	BEF	۲	ISSUE DATE	PATENTEE		CLASS	SUBC	LASS	IF APPROPRIATE		
	H.A	6	3	3	2	8	9	3	12/25/O1	Mortier et al.							
	н.в	_	L														
	н.с													ļ			
	H.D		L				_										
	H.E		<u> </u>														
	H.F						L										
	H.G						_								_		
	н.н																
·	H.I						_										
	H.J																
	H.K					_										L	
					FC	RE	GN	PAT	ENTS OR PL	BLISHED FOREIGN PA	ATE	ENT AF	PLICATION	18			
				CUI				Р	UBLICATION DATE	COUNTRY OF PATENT OFFICE		CLASS	SUBCL	ASS	TRANSLATION (YES/NO)		
	H.L									·							
	н.м																
	H.N							ļ									
	н.о																
	H.P							ļ									
	H.Q																
					C	THE	ERI	ocı	JMENTS (Inc	luding Author, Title, Date	e, F	Place o	f Publication	1)		· · · · · · · · · · · · · · · · · · ·	
	H.R																
	H.S											_					
	н.т	_															
EXAMINER										DATE CONS	DATE CONSIDERED						
EXAMINER: I	nitial if ci y of this f	tatio orm	n co with	nsic ne:	dere	d, w	hetl nuni	ner or cation	r not in confor n to applicant	mance. Draw line throug	gh	citation	n only if not	n conform	nance <u>ar</u>	not considered.	